

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

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Chapter 7

MOHAMMED P. SHAIKH,

Case No.: 08-72840-AST

Debtor.

R. KENNETH BARNARD, as Trustee of
the Estate of Mohammed Shaikh,

Plaintiff

Adv. Pro. No.: 09-8315-AST

v.

MOHAMMED ARIF and LAILUN N. SHAIKH,

Defendants.

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**ORDER GRANTING FINAL EXTENSION OF
DEFENDANTS' DEADLINE TO ANSWER**

The above referenced adversary proceeding was commenced by the filing of a Complaint on August 3, 2009 (the “Complaint”). [dkt item 1] Service of the summons and complaint were made on the Defendants herein on August 7, 2009. [dkt item 3] On August 20, 2009, counsel for the Defendants, Karamvir Dahiya, Esq., filed notices of appearance. [dkt item 4, 5] On August 21, 2009, the Defendants filed a motion seeking dismissal of the Plaintiff’s first claim for relief (the “Dismissal Motion”). [dkt item 6] Defendants did not answer or otherwise move with respect to the Plaintiff’s other claims for relief. On September 3, 2009, the Plaintiff filed his opposition to the Dismissal Motion. [dkt item 13] On October 30, 2009, the Defendants filed a reply brief. [dkt item 15]

The Court entered an Order denying the Dismissal Motion on January 4, 2010 (“Order Denying Dismissal Motion”). [dkt item 17] The Order Denying Dismissal Motion directed the

Defendants to each file and serve an answer to the Complaint on or before January 20, 2010.

On January 27, 2010, the Plaintiff filed an Affirmation of the Defendants' failure to comply with the Order Denying Dismissal Motion. [dkt item 25] In response, Counsel for the Defendants, Karamvir Dahiya, Esq. filed a Motion and Affirmation requesting the Court grant a FURTHER extension of time for the Defendants to file an Answer ("Motion for Extension"). [dkt item 30] Having considered the Motion for Extension and the representations made by counsel in the Affirmation, it is hereby

ORDERED, that the Motion for Extension is granted as set forth in this Order; and it is further

ORDERED, that Defendants shall each file and serve an answer to the Complaint in compliance with Rules 8(b), 11, and 12(a) of the Federal Rules of Civil Procedure, as incorporated by Bankruptcy Rules 7008, 7012 and 9011, on or before February 19, 2010, or a judgment will be entered by default; and it is

ORDERED, that failure to strictly comply with any of the provisions of this Order may result in the automatic entry of a dismissal, or a default, or other relief, as the circumstances may warrant, in accordance with Rule 7016 of the Federal Rules of Civil Procedure, as incorporated by Rule 7016 of the Federal Rule of Bankruptcy Procedure.

Dated: February 8, 2010
Central Islip, New York



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Alan S. Trust
United States Bankruptcy Judge

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